

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-36 are pending in the application, with claims 1, 13 and 25 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 101***

Claims 25-36 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Without acquiescing to the merits of this allegation, Applicant has amended the specification to accommodate the Examiner's rejection. Accordingly, Applicant respectfully request the rejection to claims 25-36 under 35 U.S.C. § 101 be reconsidered and withdrawn.

***Rejections under 35 U.S.C. § 103***

***Bunn in view of Cloonan and further in view of Danforth***

Claims 1-3, 13-14, 17, and 25-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2007/0058640 to Bunn et al. (herein "Bunn") in view of U.S. Patent Application Publication No. 2004/000863 to Cloonan et al. (herein "Cloonan") and in further view of U.S. Patent Application Publication No. 2005/0038880 to Danforth (herein "Danforth").

Applicant respectfully traverses the rejection and provides the following arguments to support patentability as follows.

Applicant respectfully submits that the claim 1 as amended is patentable over the art of record. For example, the combination of Bunn, Cloonan, and Danforth does not teach nor suggest at least the features of

establishing one or more proprietary logical channels for communication between a first device that supports at least one proprietary communication parameter associated with bandwidth utilization and other devices that support [the] at least one proprietary communication parameter,

*(see, claim 1, as amended),*

and/or

determining if [the] second device may be assigned to one of [the] one or more proprietary logical channels based on [the] registration information, if [the] second device may be assigned to [the] one of [the] one or more proprietary logical channels, assigning [the] second device to the one of [the] one or more proprietary logical channels, else creating a new proprietary logical channel and assigning [the] second device to the new proprietary logical channel when [the] second device cannot be assigned to the one of [the] one or more proprietary logical channels,

*(see, claim 1, as amended),*

as recited by claim 1.

Dependent claims 2-3 are likewise not rendered obvious by the combination of Bunn, Cloonan, and Danforth for the same reasons as claim 1 from which they depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 1-3 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Applicant respectfully submits that the claim 13 as amended is patentable over the art of record. For example, the combination of Bunn, Cloonan, and Danforth does not teach nor suggest at least the features of

a registration module adapted to receive registration information from a cable modem, wherein [the] registration information indicates that [the] cable modem supports [the] at least one proprietary communication parameter, to determine whether one of [the] one or more proprietary logical channels may be assigned to [the] cable modem, and to assign [the] cable modem to [the] one or more proprietary logical channels if [the] cable modem may be assigned to [the] one of [the] one or more proprietary logical channels, else to create a new proprietary logical channel and to assign [the] second device to the new proprietary logical channel when [the] second device cannot be assigned to one of [the] one or more proprietary logical channels,

(*see, claim 13, as amended*),

as recited by claim 13.

Dependent claims 14 and 17 are likewise not rendered obvious by the combination of Bunn, Cloonan, and Danforth for the same reasons as claim 13 from which they depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 13, 14, and 17 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Applicant respectfully submits that the claim 25 as amended is patentable over the art of record. For example, the combination of Bunn, Cloonan, and Danforth does not teach nor suggest at least the features of

means for enabling [the] processor to determine if [the] second device may be assigned to one of [the] one or more proprietary logical channels based on [the] registration information,

(*see, claim 25, as amended*),

means for enabling [the] processor to assign [the] second device to [the] one of [the] one or more proprietary logical channels if [the] second device may be assigned to [the] one of [the] one or more proprietary logical channels,

and/or  
(*see, claim 25, as amended*),

means for enabling [the] processor to create a new proprietary logical channel and assigning [the] second device to [the] new proprietary logical channel when [the] second device cannot be assigned to [the] one of [the] one or more proprietary logical channels,

as recited by claim 25.  
(*see, claim 25, as amended*),

Dependent claims 26 and 27 are likewise not rendered obvious by the combination of Bunn, Cloonan, and Danforth for the same reasons as claim 25 from which they depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 25-27 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**Bunn in view of Cloonan and in view of Danforth and further in view of Vogel**

Claims 4, 15, and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bunn in view of Cloonan and in view of Danforth and in further view of U.S. Patent No. 7,089,580 to Vogel et al. (herein "Vogel"). Applicant respectfully traverses the rejection and provides the following arguments to support patentability as follows:

For reasons discussed above in regard to claims 1, 13, and 25, the combination of Bunn, Cloonan, and Danforth does not teach or suggest each and every feature of independent claims 1, 13, and 25. Vogel does not provide the missing teaching or suggestion with respect to claims 1, 13, and 25. Accordingly, the combination of Bunn,

Cloonan, Danforth, and Vogel cannot render obvious claims 1, 13, and 25. Dependent claims 4, 15, and 28 are likewise not rendered obvious by the combination of Bunn, Cloonan, Danforth, and Vogel for the same reasons as claims 1, 13, and 25, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 4, 15, and 28 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**Bunn in view of Cloonan and in view of Danforth and in view of Graham Mobley**

Claims 5, 16, and 29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bunn in view of Cloonan and in view of Danforth and in view of U.S. Patent Application Publication No. 2003/0053493 to Graham Mobley et al. (herein "Graham Mobley"). Applicant respectfully traverses the rejection and provides the following arguments to support patentability as follows:

For reasons discussed above in regard to claims 1, 13, and 25, the combination of Bunn, Cloonan, and Danforth does not teach or suggest each and every feature of independent claims 1, 13, and 25. Graham Mobley does not provide the missing teaching or suggestion with respect to claims 1, 13, and 25. Accordingly, the combination of Bunn, Cloonan, Danforth, and Graham Mobley cannot render obvious claims 1, 13, and 25. Dependent claims 5, 16, and 29 are likewise not rendered obvious by the combination of Bunn, Cloonan, Danforth, and Graham Mobley for the same reasons as claims 1, 13, and 25, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 5, 16, and 29 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**Bunn in view of Cloonan and in view of Danforth and in view of Rakib**

Claims 6-8, 18-20, and 30-32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bunn in view of Cloonan and in view of Danforth and in view of U.S. Patent Application Publication No. 2005/0025145 to Rakib et al. (herein "Rakib"). Applicant respectfully traverses the rejection and provides the following arguments to support patentability as follows:

For reasons discussed above in regard to claims 1, 13, and 25, the combination of Bunn, Cloonan, and Danforth does not teach or suggest each and every feature of independent claims 1, 13, and 25. Rakib does not provide the missing teaching or suggestion with respect to claims 1, 13, and 25. Accordingly, the combination of Bunn, Cloonan, Danforth, and Rakib cannot render obvious claims 1, 13, and 25. Dependent claims 6-8, 18-20, and 30-32 are likewise not rendered obvious by the combination of Bunn, Cloonan, Danforth, and Rakib for the same reasons as claims 1, 13, and 25, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 6-8, 18-20, and 30-32 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**Bunn in view of Cloonan and in view of Danforth and in view of Limb**

Claims 11-12, 23-24, and 35-36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bunn in view of Cloonan and in view of Danforth and in view of U.S. Patent Application Publication No. 2007/0076717 to Limb et al. (herein "Limb"). Applicant respectfully traverses the rejection and provides the following arguments to support patentability as follows:

For reasons discussed above in regard to claims 1, 13, and 25, the combination of Bunn, Cloonan, and Danforth does not teach or suggest each and every feature of independent claims 1, 13, and 25. Limb does not provide the missing teaching or suggestion with respect to claims 1, 13, and 25. Accordingly, the combination of Bunn, Cloonan, Danforth, and Limb cannot render obvious claims 1, 13, and 25. Dependent claims 11-12, 23-24, and 35-36 are likewise not rendered obvious by the combination of Bunn, Cloonan, Danforth, and Limb for the same reasons as claims 1, 13, and 25, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 11-12, 23-24, and 35-36 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

**Bunn in view of Cloonan and in view of Danforth and in view of Limb and further in view of Rakib**

Claims 9-10, 21-22, and 33-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bunn in view of Cloonan and in view of Danforth and in view of Limb and further in view of Rakib. Applicant respectfully traverses the rejection and provides the following arguments to support patentability as follows:

For reasons discussed above in regard to claims 1, 13, and 25, the combination of Bunn, Cloonan, and Danforth does not teach or suggest each and every feature of independent claims 1, 13, and 25. The combination of Limb and Rakib does not provide the missing teaching or suggestion with respect to claims 1, 13, and 25. Accordingly, the combination of Bunn, Cloonan, Danforth, Limb, and Rakib cannot render obvious claims 1, 13, and 25. Dependent claims 9-10, 21-22, and 33-34 are likewise not rendered obvious by the combination of Bunn, Cloonan, Danforth, Limb, and Rakib for the same

reasons as claims 1, 13, and 25, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 9-10, 21-22, and 33-34 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

## ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: April 8, 2008

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